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10/764,696	01/26/2004	Sheng Sun	16155ROUS01U	9176
34645	7590	11/26/2008	EXAMINER	
Anderson Gorecki & Manaras, LLP			OSMAN, RAMY M	
Attn: John C. Gorecki				
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CARLISLE, MA 01741			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/764,696	Applicant(s) SUN ET AL.	
	Examiner RAMY M. OSMAN	Art Unit 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on September 4, 2008, where Applicant amended claims 1-3,5,11,12, and cancelled claims 13-23. Claims 1-12 remain pending.

Response to Arguments

2. The 112 second paragraph rejections are withdrawn in light of amendments.
3. Applicant's arguments filed 9/4/2008 have been fully considered but they are not persuasive.
4. Applicant argues that Crosbie does not teach engaging a second access point while maintaining affiliation with the primary access point.

In reply, Applicants use of the word “*maintaining*” is broad and is broadly interpreted. Crosbie does indeed teach “*maintaining*” the primary affiliation with the initial access point 24-1 when engaging a second access point 24-2. Crosbie discloses that the access point “keeps knowledge” (i.e. maintains) in regards to temporary handoffs so that the mobile device can later return to the initial access point. (¶ 39).

5. Applicant argues that Crosbie does not teach claim 1 because “*determination as to which access point should be used*” is performed in Crosbie by the roaming server rather than by the wireless client.

In reply, it is noted that the features upon which applicant relies (i.e., “*determination as to which access point should be used*”) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read

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into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). the claim does not mention anything in regards to the client following some sort of decision making process in order to make a “*determination as to which access point should be used*”.

Despite this, the claims simply state that the client “*obtains*”, “*maintains*” and “*engages*”. Crosbie does teach “*obtains*” and “*engages*”, because firstly the client in Crosbie obtains the access point information via the roaming server, and secondly the client in Crosbie engages the second access point in response to a handoff. (¶ 41) The “*maintaining*”, by the client, would be obvious to be performed by the client since the client will not then have to rely on the access point “*maintaining*” affiliation information on the clients behalf. This allows the client to avoid any problems or failures that may occur on the access point which might result in loss of the affiliation information (and where the access point does not recover state information). By the client “*maintaining*” this information, the clients affiliations can be guaranteed and easily accessible.

6. Applicant argues that Crosbie does not teach “*active affiliation*” because Crosbie teaches temporary handoff. Applicant states that “*active*” is intended to imply that “*the wireless client may actually send data using either of both of the access points... sending a Clear To Send (CTS) message*” which indicates to the client to communicate to both access points.

In reply, it is noted that the features upon which applicant relies (i.e., “*active*” is intended to imply that “*the wireless client may actually send data using either of both of the access points... sending a Clear To Send (CTS) message*” which indicates to the client to communicate to both access points) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In*

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re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicants use of the word “active” is broad and is thus broadly interpreted.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Crosbie (US Patent Publication No 2002/01085719).

9. In reference to claim 1, Crosbie teaches a method of forming multiple simultaneous wireless connections by a wireless client in a wireless local area network, the method comprising the steps of:

obtaining, by the wireless client, a primary active affiliation between the wireless client and a first wireless access point in the wireless local area network (¶ 41 lines 1-8 and Figure 1 #24-1);

maintaining, the primary active affiliation between the wireless client and the first wireless access point in the wireless local area network while also locating, by the wireless client, a second wireless access point in the wireless local area network (¶ 41 and Figure 1 # 24-2);

engaging, by the wireless client, the second wireless access points in the wireless local area network to form a second active affiliation between the wireless client and the second

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wireless access point in the wireless local area network, while still maintaining the primary active affiliation between the wireless client and the first wireless access point in the wireless local area network (§s 39 and 41).

Crosbie fails to explicitly state that the “*maintaining*” is performed “*by the wireless client*”. However, the “*maintaining, by the wireless client*” would be obvious to be performed by the client since the client will not then have to rely on the access point “maintaining” affiliation information on the clients behalf. This allows the client to avoid any problems or failures that may occur on the access point which might result in loss of the affiliation information (and where the access point does not recover state information). By the client “maintaining” this information, the clients affiliations can be guaranteed and easily accessible. Therefore it would be obvious to one of ordinary skill in the art to modify Crosbie by maintaining the “primary affiliation” on the client device.

10. In reference to claim 2, Crosbie teaches the method of claim 1, wherein the second active affiliation is a primary affiliation (§ 39 lines 16-20).

11. In reference to claim 3, Crosbie teaches the method of claim 1, wherein the second active affiliation is a secondary affiliation (§ 39 lines 1-16).

12. In reference to claim 4, Crosbie teaches the method of claim 1, wherein the step of locating adjacent access wireless access points comprises scanning beacon signals from other wireless access points (§ 38).

13. In reference to claim 5, Crosbie teaches the method of claim 1, wherein the step of obtaining a primary affiliation with the first wireless access point comprises generating a first

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request to send message and sending the first request to send message to the first wireless access point (§s 38-39).

14. In reference to claim 6, Crosbie teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send message and sending the second request to send message to the first wireless access point (§ 41).

15. In reference to claim 7, Crosbie teaches the method of claim 6, wherein the second request to send message includes identification information about the second wireless access point (§s 40-41).

16. In reference to claim 8, Crosbie teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send message and sending the second request to send message to the second wireless access point (§ 41).

17. In reference to claim 9, Crosbie teaches the method of claim 8, wherein the second request to send message includes identification information about the first wireless access point (§s 40-41).

18. In reference to claim 10, Crosbie teaches the method of claim 1, further comprising receiving first data from the first wireless access point and receiving second data from the second wireless access point (§ 38).

19. In reference to claim 11, Crosbie teaches the method of claim 10, wherein the step of receiving the second data from the second access point is initiated before the step of receiving the first data from the first wireless access point has been completed (§ 38).

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20. In reference to claim 12, Crosbie teaches the method of claim 10, wherein the wireless client has a first IP address associated with the first affiliation and a second IP address associated with the second affiliation (§s 38-39).

Conclusion

21. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

22. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

23. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner (Temp), Art Unit 2457

November 21, 2008